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RCE/2800 #

PTO/SB/30 (08-00)

Approved for use through 10/31/2002. OMP 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA)	Application Number	09/933,416
	Filing Date	August 20, 2001
	First Named Inventor	Brian Darrell Hollis, et al
	Group Art Unit	2878
	Examiner Name	Seung C. Sohn
	Attorney Docket Number	2001162

This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

- NOTE:** 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Patent Office 47 (Apr. 11, 2000), which established RCE practice.

1. <u>Submission required under 37 C.F.R. §1.114</u>
a. <input type="checkbox"/> Previously submitted
i. <input checked="" type="checkbox"/> Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on <u>January 26, 2004</u> (Any unentered amendment(s) referred to above will be entered).
ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
iii. <input type="checkbox"/> Other _____
b. <input type="checkbox"/> Enclosed
i. <input checked="" type="checkbox"/> Amendment/Reply : 02/23/2004 JADD01 00000056 071725 09933416
ii. <input type="checkbox"/> Affidavit(s)/Declaration(s) : 01 FC:1801 770.00 DA
iii. <input type="checkbox"/> Information Disclosure Statement (IDS)
iv. <input type="checkbox"/> Other _____
2. <u>Miscellaneous</u>
a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. §1.17(i) required)
b. <input type="checkbox"/> Other _____
3. <u>Fees</u> The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.
a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-1725.
i. <input checked="" type="checkbox"/> RCE fee required under 37 C.F.R. §1.17(e)
ii. <input type="checkbox"/> Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
iii. <input type="checkbox"/> Other _____
b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed
c. <input type="checkbox"/> Payment by credit card (form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Nancy T. Krawczyk	Registration No. (Attorney/Agent)	38,744
Signature			Date: Feb 18, 2004

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service, with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on:			
Name (Print/Type)	Lois J. Gould		
Signature	Lois J. Gould	Date	Feb 18, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian Darrell Hollis et al.)
For: ROLLER SWITCH)
Serial No. 09/933,416)
Filed: August 20, 2001)

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Confirmation No. 5742
Docket No. DN2001162
Art Unit: 2878
Examiner: Sohn, Seung C

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on

Feb 18, 2004

(Date of Deposit)

Nancy T. Krawczyk

(Name of Registered Representative)

[Signature]
(Signature)

2.14.04
(Date of Signature)

RESPONSE UNDER 37 C.F.R. § 1.111

Dear Sir:

In addition to the amendment previously filed on January 26, 2004 and now entered
with the RCE, please consider the following response.

COMMENTS

In addition to the amendment previously not being considered as it was held to require a new search, it was stated that if the arguments were not persuasive as "it would have been obvious to one of ordinary skill in the art to provide the second identical flag arm for the purpose of balancing the device."

Applicants respectfully disagree with this position.

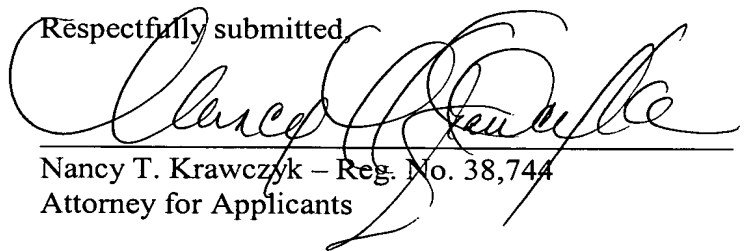
First, had it been so obvious to do so, the prior art would have already done so, and the prior art device never requires, teaches, or directs one to duplicate any feature for the purpose of balance.

Second, no prior art has been shown that it is known to provide an additional element for the purpose of providing balance to a switch. Any suggestion to do so appears to be based solely on hindsight teaching using Applicants invention.

In comparing the Admitted Prior Art and the present claims, the Admitted Prior Art has been vastly modified in a manner not appreciated by the Admitted Prior Art. The flag arm functions differently, a roller has been added for strength and stability, a second flag arm has been provided to increase and vary the manner in which the roller switch may be used by the operator. None of the features or functions are appreciated by the Admitted Prior Art, and the Examiner has cited no prior art to suggest that these functions would have been obvious in altering the function of the Admitted Prior Art.

The Examiner is respectfully requested to reconsider the rejection of the claims based solely on the Admitted Prior Art, and indicate allowability of all the pending claims.

Respectfully submitted,



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